srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 325 OF 2007.

Prakash Balwant Havaldar. ..Petitioner.
Versus.
MIDC & Others. ..Respondents.

Amit B. Borkar for the petitioner.
Mrs. M. P. Thakur, A.G.P. for the State.
Ms. Deepa Chavan i/b M/s. Navdeep Vora & Associates for respondent no.1.

CORAM: S. B. MHASE &
R.S.MOHITE, JJ.
DATE: APRIL 11, 2007.

ORAL ORDER

1. Heard. Rule returnable forthwith with the consent of the parties.

2. The petitioner is having industry by name M/s. Cosmos Erectors and Engineers, to which the plot of land was granted in the MIDC area. However, the petitioner has closed that industry in the year 2002 and thereafter the petitioner desires to transfer the said plot. For the transfer of the plot the permission of the respondent no.1 is necessary. But since as a result of the closure of the industry there is likelihood of the claims of labour employed by the petitioner being pending and/or jeopardised. MIDC therefore desires there should be no objection certificate issued by the respondent no.2 - Labour Commissioner. In order to obtain the said no objection certificate the petitioner has already made an

application to the respondent no.2. That application is dated 17th July 2006. Since that application is not yet decided further transfer cannot be permitted by the MIDC, and under the circumstances the petitioner has approached to this Court for a direction to the respondent nos. 1 & 2 to issue no objection certificate and the permission to transfer the plot.

2. Learned counsel for respondent no.1 states that MIDC will consider the case for transfer only on issuance of "No Objection Certificate" by respondent no.2. Learned counsel for the respondent no.2 submits that the Labour Commissioner will decide that application within a stipulated time as directed by this Court. In view of this, we find it appropriate to allow this petition with the following directions.

3. Respondent no.2 is hereby directed to dispose of the application preferred by the petitioner dated 17th July 2006 on its own merits after hearing the petitioner. He shall dispose of the said application within a period of four weeks from today. If the No Objection Certificate is granted by the respondent no.2, MIDC shall further consider the prayer of the petitioner for transfer of the said plot within a period of four weeks thereafter. Rule accordingly.

(R.S.MOHITE, J.) (S.B.MHASE, J.)